

January 27, 2021

Written Testimony of Mr. W. David Lee on behalf of the Kansas Society of Land Surveyors  
In opposition to SB 10

Senator Robert Olsen, Chairman  
Senate Committee on Commerce  
Statehouse, Room 236A-E

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to comment on SB 10. The Kansas Society of Land Surveyors is a trade association of trained licensed land surveyors whose work is critical to the transfer and development of land across the state. There are approximately 330 licensed surveyors in Kansas.

Land surveyors are licensed through the Kansas Board of Technical Professionals. To become a licensed surveyor, a person must complete a combination of education, training, experience, and testing outlined by the Kansas Board of Technical Professionals. Professional surveying includes a variety of skills which are outlined in KSA 74-7001 et seq. (see definition p. 3) Mastering these skills is critical to completion of accurate maps and legal descriptions upon which landowners, lenders, and developers rely. Accurate surveying is critical to the defense of private property rights.

KSLS respects the intent of SB 10 to reduce unnecessary regulations that may impede licensing, career opportunities, or choices in the market place. KSLS supports the current regulatory system as it is designed to PROTECT the public. To landowners, there is nothing more sacred than their land, and they must have confidence in those to whom they trust to define it through a survey. The current regulatory framework assures the public that licensed surveyors have met a defined level of competency to complete the work. The current system allows for out of state professionals to enter and work within the state. The State of Kansas has statutes, rules and regulations and minimum standards that are specific

to Kansas. Our current regulatory system assures the citizens of Kansas that licensed Professional Surveyors understand these peculiarities.

Bottom line: KSLs has no problem with the current system and believe the requirements of SB 10 will cost the state and our membership thousands of dollars and divert time away from our work. Nothing in current law precludes the Board of Technical Professionals from reviewing and making suggested changes to laws or regulations. As active professionals, we will be the first to recommend changes if needed.

Please note that current agency rules and regulations have undergone public comment and hearings. To adopt the provisions of SB 10 would allow one person to undermine the public process that developed the system. If a person wishes to challenge a regulation, they must show standing, which includes a "harm" and follow the administrative process. These basic procedural safeguards assure the system is open and public and should not be discarded to allow one person to expeditiously change the entire framework.

Finally, we are businessmen and women. We want certainty and fairness in our regulations. Through licensing and regulation, we can assure the public that we are meeting standards of professionalism. We can assure that the "market for services" is an even playing field where all providers meet the same standards.

We respectfully ask that SB 10 not be adopted. We are prepared to work with you to address any valid complaints that you have received against the surveyor professionals.

Thank you.

A handwritten signature in blue ink that reads "W. David Lee". The signature is fluid and cursive.

W. David Lee, PS-1343

President – Kansas Society of Land Surveyors

(s) "Professional surveyor" means any person who is engaged in the practice of surveying and who is licensed by the board to practice surveying as provided in K.S.A. 74-7001 et seq., and amendments thereto.

(t) (1) "Professional surveying" or "practice of professional surveying" means providing, or offering to provide, professional surveying services including the following: Common technical services, as defined in subsection (g); using such sciences as mathematics, geodesy and photogrammetry; and involving the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on or below the earth and providing, utilizing or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions or projects. Professional surveying services also include planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:

(A) Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon.

(B) determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth.

(C) locating, relocating, establishing, re-establishing, or retracing property lines or boundaries of any tract of land, road, right-of-way, or easement.

(D) preparing the original descriptions of real property for the conveyance of or recording thereof and the preparation of graphics, data, maps, plans, reports, land subdivision plats, descriptions and projects that represent these surveys.

(E) determining, by the use of principles of surveying, the position for any survey monument, whether boundary or non-boundary, or reference point and establishing or replacing any such monument or reference point.

(F) making any survey for the division, subdivision, or consolidation of any tract of land.

(G) locating or laying out alignments, positions, or elevations where such work is part of the construction of engineering or architectural works; and

(H) creating, preparing, or modifying electronic, computerized, or other data relative to performance of the activities set forth in subparagraphs (A) through (G)